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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)	
)	
Access Charge Reform)	CC Docket No. 96-262
)	
Price Cap Performance Review for Local Exchange Carriers)	CC Docket No. 94-1
)	
Transport Rate Structure and Pricing)	CC Docket No. 91-213
)	
End User Common Line Charges)	CC Docket No. 95-72
)	

OPPOSITION TO PETITIONS FOR RECONSIDERATION

Teleport Communications Group Inc. ("TCG") hereby opposes certain of the reconsideration requests filed with respect to the Commission's Access Charge Reform Order.¹

I. THE COMMISSION SHOULD NOT MODIFY ITS TREATMENT OF CENTREX LINES FOR PURPOSES OF ASSESSING "PICC" CHARGES.

The Access Charge Reform Order requires that interexchange carriers serving multi-line business customers pay Presubscribed Interexchange Carrier Charges ("PICCs") for each such line.² Each Centrex line is treated as a multiline

¹ Access Charge Reform Order, CC Docket No. 96-262, FCC 97-158 (released May 16, 1997), errata June 4, 1997.

² Id. at ¶ 59.

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business service for purposes of assessing these PICCs, just as they are treated equally for purposes of assessing Subscriber Line Charges.³

Several Petitioners, including the United States Telephone Association, claim that the Commission should not apply this non-discriminatory and equal treatment of Centrex lines, but rather should favor them with a lower charge in order to improve their competitive position relative to PBX competitors.⁴

The Commission should resist the temptation to advantage Centrex services. Any Centrex line installed after July 28, 1984 has always been subject to the same treatment for Subscriber Line Charge purposes as any other multiline business service.⁵ Even lines installed before that time, which at one time received a lower SLC, have since 1989 been subject to the same SLC as other multiline business users.⁶ The FCC thus has for many years treated Centrex lines

³ 47 C.F.R. § 69.153.

⁴ See USTA Petition at 2 ("...the PCCC is to be applied on the same per line basis as the SLC. This will result in a disproportionate assessment on Centrex lines as opposed to competing PBX arrangements and the recovery of significantly more revenues from Centrex than from similarly-sized PBX arrangements."); ICA Petition at 2 ("The Commission must reconsider how it has applied PICCs to Centrex systems in order to prevent major customers of Centrex services from being subjected to disproportionately higher PCCC costs than customers of PBX systems."); Cf. Los Angeles County Petition.

⁵ See First Reconsideration Order, CC Docket No. 78-72, MTS and WATS Market Structure, 97 FCC 2d 682 (1983), aff'd and remanded in part sub nom. Nat'l Ass'n of Regulatory Comm'rs v. FCC, 737 F.2d 1095 (D.C. Cir. 1984), cert. denied, 105 S. Ct. 1224, 1225 (1985).

⁶ Subscriber line charges for Centrex lines placed in service before July 27, 1983 were incrementally increased pursuant to § 69.203(b) of the Commission's Rules, 47 C.F.R. § 69.203(b), and the final increase, to \$ 6 per line became

(continued...)

and PBX lines alike for purposes of assessing the far higher Subscriber Line Charges, with no discernable adverse effect on the marketability of Centrex, making the "sky is falling" protestations of the petitioners regarding these more modest PICCs highly suspect.

Moreover, the Commission's rationale for temporarily giving preexisting Centrex lines a lower SLC was that this was "necessary to avoid the possibility that customers would abandon Centrex service for Private Branch Exchange (PBX) service before the state commissions had an opportunity to adjust intrastate rate structures to allow Centrex service to compete effectively with PBXs."⁷ In the years since then, Centrex service has gone from being a product subject to detailed state tariffing to being a product that has been largely deregulated by state public utility commissions. In its current largely deregulated state, there is no need for the Commission to create a transition plan to give state commissions time to reshape Centrex rate structures -- they have long ago left that to the ILECs. Accordingly, there is no basis for the claims and demands made by those seeking advantageous treatment of Centrex lines.

⁶(...continued)
effective on April 1, 1989. See MTS and WATS Market Structure, CC Docket No. 78-72 2 FCC Rcd 2953 (1987).

⁷ MTS and WATS Market Structure, CC Docket No. 78-72, 2 FCC Rcd 2324 (1987) at n. 79.

II. THE COMMISSION SHOULD NOT CHANGE ITS COMPROMISE RATE STRUCTURE FOR TANDEM SWITCHING AND TANDEM TRANSPORT.

Perhaps the most complex, and difficult, of the many decisions that the Commission had to make in its Access Reform proceeding was deciding how to modify its preexisting policies for tandem transport, tandem switching, and the transport interconnection charge ("TIC"). The results that the Commission came up with, while encompassing some of TCG's recommendations,⁸ are not entirely to TCG's liking. However, the result which the Commission reached represents a delicate balancing of the interests of small interexchange carriers, the chief beneficiaries of the prior structure, and new local competitors, the chief victims of the prior structure. It represents a defined and measured effort to move to cost based ILEC rates, and to rely on the forces of competition to press ILEC rates in the proper direction. The FCC's rate structure changes are also necessary to comply with its new statutory mandate to avoid subsidization of competitive services by less competitive services.⁹

Because TCG favors market based solutions to rate structure issues, TCG believes that the FCC's compromise solution to tandem switching and tandem transport, while not ideal, is superior to the alternatives suggested by the Petitioners.¹⁰

⁸ Access Reform Order at ¶ 192.

⁹ 47 U.S.C. § 254(k).

¹⁰ TCG, together with CompTel, suggested to the Commission that the unitary rate structure could be continued if coupled with (1) a waiver of the TIC charge
(continued...)

Not surprisingly, given the complexity of the issue, the Commission's decisions on these issues were the subject of a number of Petitions for Reconsideration seeking a variety of changes. Small interexchange carriers, together with CompTel, request that the Commission restore the unitary rate structure.¹¹ Several parties also argue that the Commission should not allow full recovery of tandem switching costs; some suggest it should cap tandem switching rates at the TELRIC or TSLRIC levels expected to prevail for unbundled network elements.¹²

TCG, however, does not believe it is appropriate for the Commission to mandate incremental costs as a ceiling for switched access rates. At present, the Separations process assigns switched access related costs to the interstate jurisdiction on what is best described as a fully distributed costing basis, rather

¹⁰(...continued)

where competitive transport facilities are used, and (2) a ban on geographic deaveraging of the TIC. See Access Charge Reform Order at ¶ 192, n. 254. TCG's support for continuation of the unitary rate structure was predicated on the assumption that the TIC would continue as a significant rate element, and therefore that the waiver of the TIC would provide TCG with a "margin" allowing it to compete successfully against the below-cost tandem transport prices. Because the FCC's Access Reform Order targets price cap reductions and PICC revenues to the reduction of the TIC, in many markets the TIC will be very small or non-existent. Under such circumstances, continuation of the unitary rate structure would harm TCG's ability to compete in those markets since, in the absence of a meaningful TIC charge, the TIC waiver does not provide any way for TCG to overcome the below-cost rates that result from the unitary pricing option.

¹¹ See *generally*, Call America & Yavapai Telephone Exchange Petition; CompTel Petition; Excel Petition; Frontier Petition; RCN Telecom Petition; Telco Petition; U. S. Long Distance, Inc. (USLD) Petition.

¹² CompTel at 8-9 and Att. 2; USLD at 5.

than incremental basis. Were the Commission to mandate incremental costs as a ceiling for some or all of switched access rates, the inevitable result of such a decision would be to burden other services with above cost rates. Moreover, such a requirement would invite claims by ILECs that the Commission has engaged in a "taking" by failing to allow the ILECs a reasonable opportunity to recover their full interstate costs. Rather, the Commission should, as it has, rely on the forces of competition to push rates to incremental cost levels, a natural marketplace result that can give no rise to claims of taking.

A number of parties mechanically argue that tandem switching rates will increase by 400%, and that the Commission should change its phased approach to get to full cost rates for tandem switching.¹³ However, there is no basis to assume that rate increases of this size will in fact occur. While the FCC's original orders limited tandem switching rates to 20% of costs, after several years of price caps and changes in the cost levels of ILECs, there is no reason to assume that these relationships still hold. Additionally, the FCC's Access Charge Reform Order requires that a number of tandem switching costs be converted into flat rate charges.¹⁴ Smaller IXC's, who are likely to use their tandem connections all day long, will have higher per minute utilization rates for their tandem trunks than

¹³ See America's Carriers Telecommunications Association (ACTA) Petition at 4; Call America at 9; CompTel at 8-9; USLD at 4.

¹⁴ For example, flat rated charges for tandem switch ports and tandem related multiplexing charges are required under the order. See Access Charge Reform Order at ¶¶ 63, 127.

larger IXCs. Larger IXCs, with direct trunk routes, typically overflow to tandem switches only at peak periods. This means that the smaller IXCs, who use their flat-rated tandem facilities throughout the day, will have a lower equivalent per-minute cost for the use of the tandem than a larger IXC that only uses the tandem at peak periods but must size its tandem trunks to handle that peak demand.¹⁵ The Commission should not, therefore, assume that its gradual increase in tandem switching cost allocations will result in the "rate shock" claimed by various petitioners.

One of the more compelling reasons for the reconsideration requests relating to tandem pricing is a concern that the Commission's policies could lead to high costs for the completion of calls to rural customers, where small central offices and low calling volumes produce heavy reliance on tandem routed traffic.¹⁶ Petitioners point out that it is likely that competitors will be slow to offer alternatives to incumbent local exchange carrier ("ILEC") services in those low-density locations.¹⁷

¹⁵ For example, TCG engineers have calculated that a carrier that overflows 5% of its traffic at peak periods to a tandem will require three times the number of tandem trunk ports to handle the same number of minutes as a carrier that routes 80% of its traffic to the tandem. This means that the FCC's decision to convert a portion of the tandem to flat rated charges will result in larger carriers bearing a larger proportion of the cost of the tandem, relative to their usage, than is the case today where the costs of the tandem are recovered from usage charges.

¹⁶ ACTA at 5; CompTel at 20; USLD at 4; WorldCom at 17.

¹⁷ ACTA at 4; USLD at 4; WorldCom at 17.

Although the Petitioners may raise a legitimate question with respect to the effectiveness of competition in rural areas, TCG believes that the Commission should look to alternative ways to address those concerns. For example, concerns that traffic to rural areas could be subject to higher costs under the FCC's policies can be addressed by requiring that the ILECs employ rate averaging for tandem services, so that price decreases on urban tandem traffic -- where the effects of competition will be felt first -- will be flowed through to suburban and rural areas as well. Such a policy would permit the Commission to continue to rely on market forces to press ILEC prices downward, while protecting against predatory pricing behavior in locations where competition is not yet established.

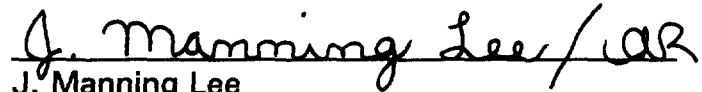
III. CONCLUSION

TCG, in its Petition for Reconsideration, recommends two modest changes to the Commission's Access Reform Order: clarifying that its TIC waiver begins as of July 1, 1997, and allowing for a "fresh look" for carriers seeking to reconfigure their networks. As discussed above, the recommendations of other parties to

change the treatment of Centrex lines, and to modify the FCC's tandem switching and transport compromise, should not be accepted.

Respectfully submitted,

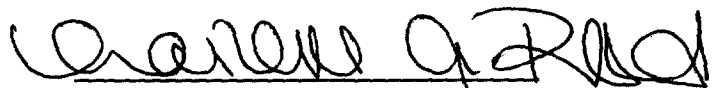
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Dated: August 18, 1997

CERTIFICATE OF SERVICE

I, Charlene A. Reed, do hereby certify that on this 18th day of August, 1997,
I have caused a copy of the foregoing OPPOSITION TO PETITION FOR
RECONSIDERATION to be served via hand delivery* and first-class U.S. Mail, postage-
prepaid, upon the persons listed on the attached service list.

A handwritten signature in black ink, appearing to read "Charlene A. Reed", written over a horizontal line.

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